

0059307

ORDINANCE NO. 1201

CASE 34-12

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE FAMILY TO COMMERCIAL WITH CONDITIONAL USE FOR PRIVATE CLUB WITH DANCING, ON TRACT 4, ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SAID PROPERTY BEING KNOWN AS THE TEJAS CAFE AND MOTEL AT 4405 EAST HIGHWAY 80, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning should be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

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SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be, and the same is, hereby amended by anending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "R-3" Single Family to Commercial with Conditional Use for Private Club with Dancing, on Tract 4, Abstract No. 34, City of Mesquite, Dallas County, Texas, said property being known as the Tejas Cafe and Motel at 4405 East Highway 80, and more particularly described in Exhibit "A" as attached hereto and made a part of this ordinance.

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Exhibit "A" as attached hereto, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 858 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be

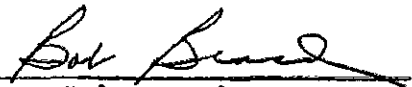
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deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

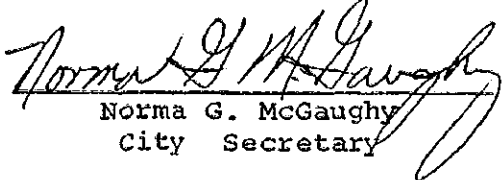
SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of June , A.D., 1974.



Bob Beard
Mayor ,

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"

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BEING a part of the W. O. Abbott Survey, Abstract No. 34, and described by metes and bounds as follows: Commencing at a point in the new Northeast right of way of U. S. Highway 80, South 69° 45' East, 475.5 feet from the intersection of the East right of way of Shiloh Road with the said new Northeast right of way of Highway No. 80, which commencing point is the Southeast corner of a tract of land set aside to E. W. Owen in a partition deed executed by and between A. E. Green and wife, Virginia Green and E. W. Owen and wife, Myrtis Owen dated June 23, 1954, filed for record on July 14, 1954; THENCE North 396.33 feet parallel to said East line of Shiloh Road to the TRUE PLACE OF BEGINNING:

THENCE South 89° 22' 30" East, 187.64 feet to a point for corner being in the East line of said tract;

THENCE South 463.50 feet to a point for corner being in the North right of way line of U. S. Highway No. 80;

THENCE North 69° 45' West, 200.00 feet along the Northerly right of way line of U. S. Highway No. 80 to a point for corner;

THENCE North 396.33 feet to the TRUE PLACE OF BEGINNING and containing 1.85 acres of land.